

RULE 3005

Modifications of Federal Operating Permits

(A) Administrative Permit Amendments

(1) Applications.

- (a) A Facility may request an administrative permit amendment at any time prior to the date of the change. The request shall be in writing but need not be on an official application form. The Facility may implement any changes immediately upon submittal of the request, however, if such request is denied the Facility may be subject to an enforcement action based upon that change.

(2) Final Determination.

- (a) The APCO shall designate the application as appropriate for an Administrative Permit Amendment and then make a final determination to grant or deny the Administrative Permit Amendment within sixty (60) days of the receipt of the request. Such determination and subsequent incorporation of the change into the FOP need not comply with the notice and comment provisions of District Rule 3007.

(3) Submission to USEPA.

- (a) The APCO shall submit the revised FOP to USEPA within ten (10) working days after the date of final determination.

(B) Minor Permit Modification

(1) Application.

- (a) Any Facility holding a FOP issued pursuant to this regulation shall submit an application for a minor permit modification. The Facility may not implement the requested modification prior to such modification being included in the FOP.
- (b) An application for a minor permit modification shall be submitted on the official application form as designated by the APCO.

- (c) An application for a minor permit modification will not be accepted by the District unless the application is complete. A complete application shall, at a minimum, contain:
 - (i) A description of the proposed change, the emissions resulting from the change, and any new Applicable Requirements which will apply if the change occurs.
 - (ii) Suggested language for the modification.
 - (iii) Certification pursuant to the provisions of District Rule 3008 that the proposed change meets the criteria for a minor permit modification.
 - (iv) Completed forms to be used to notify USEPA and any Affected State(s) of the submission of an application for a minor permit modification.
 - (d) Within five (5) working days of receipt of the complete application for minor permit modification the District shall submit to USEPA and the Affected State(s) a copy of the application for a Minor Permit Modification.
- (2) Preliminary Determination.
- (a) Within forty-five (45) days of receipt of the complete application for minor permit modification the District shall make a preliminary determination to issue the permit as modified, deny the permit as modified, determine that the modification does not meet the requirements for a minor permit modification and that a significant permit modification is necessary, and/or revise the draft permit modification as submitted by the applicant.
 - (b) After the preliminary determination has been made the District shall submit the preliminary determination to the USEPA for review.
- (3) Final Determination.
- (a) Within ninety (90) days of receipt of the complete application for minor permit modification or within fifteen (15) days after the expiration of the USEPA forty-five (45) day review period, whichever is later, the District shall take final action on the application for minor permit modification.
 - (b) The District may make a final determination prior to the expiration of this period if USEPA has notified the District that USEPA will not object to the change in the FOP made by the District as expressed in the preliminary determination.

(C) Significant Permit Modification

(1) Application.

- (a) Any Facility holding a FOP issued pursuant to this regulation shall submit any application for a significant permit modification. The Facility may not implement the requested modification prior to such modification being included in the FOP.
- (b) An application for a significant permit modification shall be submitted on the official application form as designated by the APCO.

(2) Procedure.

- (a) Any Significant Permit Modifications shall be issued in accordance with the provisions of District Rule 3003.

(D) Modifications for Acid Rain Provisions of a Federal Operating Permit

- (1) Any modification of the Acid Rain provisions of a FOP shall be issued in accordance with the provisions of District Rule 3010.

(E) Prohibitions

- (1) No Facility shall make a change in its operations without complying with the procedures contained in this rule unless:
 - (a) Such change qualifies as an Administrative Permit Amendment; or
 - (b) Such change is included in the provisions of the FOP; or
 - (c) Such change is made pursuant to and in compliance with the provisions of District Rule 3003(E)(1)(c).

[SIP: Not SIP. Title V Program Amendment submitted on _____, Title V Program Interim approval 2/27/97 62 FR 8878.]

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